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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF COCHISE**

**JERRAL PHILLIP MATHIS**,  
individually and as the father of **CLAY**  
**WALLACE MATHIS**, deceased,

Plaintiff,

vs.

**SHERIFF MARK J. DANNELS**, in his  
official capacity as sheriff of Cochise  
County; and **COCHISE COUNTY**, a  
political subdivision of the State of  
Arizona

Defendants.

No. \_\_\_\_\_

**COMPLAINT**

(Tort – Wrongful Death – Medical  
Malpractice)

(Jury Trial Demanded)

(Rule 26.2 Discovery Tier III)

Plaintiff Jerral Phillip Mathis, in his individual capacity and as the father of Clay  
Wallace Mathis for his Complaint against the Defendants, alleges:

**PARTIES**

1. Plaintiff Jerral Phillip Mathis has been a resident of Cochise County, Arizona.  
He is the natural father of Clay Wallace Mathis.

2. Defendant Sheriff Mark J. Dannels is and was, to this claim, the Sheriff of  
Cochise County. As the Sheriff of Cochise County, Defendant Dannels is responsible for  
the administration, operation, maintenance, policies, procedures, and functions of the jails

1 and detention facilities in Cochise County, implementing policies and procedures, the  
2 training and supervision of jail and detention personnel, and the provision of health services  
3 to pre-trial detainees, including Clay Mathis.

4 3. Defendant Cochise County is a political subdivision of Arizona, with  
5 administrative jurisdiction over the Cochise County jail system and the health care within  
6 that system. Cochise County is the employer, master, or principal of each Defendant  
7 otherwise named.

8 4. Defendants were the agent or employee of each of the other Defendants, and  
9 all acts and omissions by the Defendants were in the scope of their respective employment  
10 and agency with the other Defendants, and each Defendant was acting on its behalf, and the  
11 furtherance of all Defendants.

12 **JURISDICTION AND VENUE**

13 5. The amount in controversy exceeds the jurisdictional limitations of this Court.

14 6. Plaintiff has served a valid Notice of Claim under A.R.S. § 12-821.01 on  
15 Defendant Dannels and Cochise County. Defendants have denied the Notice of Claim.

16 7. The events that form the basis of this Complaint occurred in Cochise County.

17 **JURY DEMAND**

18 8. Plaintiff demands a jury trial.

19 **RULE 26.2 TIER DESIGNATION**

20 9. Plaintiff designates this case for Tier III discovery under Rule 26.2 of the  
21 Arizona Rules of Civil Procedure.

22 **GENERAL ALLEGATIONS**

23 10. The Cochise County Jail is owned by Cochise County and operated by the  
24 Sheriff of Cochise County.

25 11. From about August 10, 2018, until his death on September 12, 2018,  
26 Defendants confined Clay Mathis in the Cochise County Jail as a pre-trial detainee.

27 12. Defendants observed Clay Mathis banging his head and yelling. He was  
28 observed weeping.

1           13.    On August 10, 2018, at about 2:52 hrs, Defendants had Clay Mathis booked  
2 into the Cochise County Jail.

3           14.    Clay Mathis suffered from mental illness that included suicidal ideations. He  
4 was considered Seriously Mentally Ill (SMI) by the State of Arizona. He required mental  
5 health care.

6           15.    Defendant Dannels or Defendant Cochise County or both have a non-  
7 delegable duty to provide adequate health care and mental health care to the detainees under  
8 their supervision, including Clay Mathis.

9           16.    Defendants performed a medical screening. The individual who completed  
10 Clay Mathis's medical intake screening noted that Clay had a history of suicide attempts and  
11 wrote that Clay: "Did not state how/when stated was because he was alone & lonely."

12           17.    That same individual noted that Clay provided no answer to questions  
13 regarding his present thoughts or plans of suicide or family history of suicide.

14           18.    Defendants placed Clay Mathis on a suicide watch.

15           19.    Defendants' chart contains no criteria for removing Clay Mathis from suicide  
16 watch.

17           20.    Defendants completed a segregation activity review and visit log regarding  
18 Clay. In entries of August 13, 2018 at 11:30 a.m. and August 14, 2018 at 9:25 a.m., the log  
19 entries reflect that Clay provided abnormal responses regarding his knowledge of his  
20 location.

21           21.    On August 20, 2018, Lawrence Schiff, M.D. composed an email chart entry  
22 for Clay Mathis. Dr. Schiff noted that Clay was living with his father in Sierra Vista and  
23 reported being SMI.

24           22.    Defendants' chart entry failed to document the components of a complete  
25 mental status exam, a suicide risk assessment, the circumstances of his patient's previous  
26 suicide attempts, the patient's protective factors, or the patient's triggers for an additional  
27 suicide attempt.  
28

23. Defendants failed to document any attempt to acquire collateral information about Clay Mathis from his father, previous medical provider, or other jail bookings.

24. On September 4, 2018, the medical chart indicates Defendants placed Clay on suicide watch for “odd behavior.” Clay was noted to have “torn up a book in his cell” and looking but not responding verbally to questions.

25. Defendants placed Clay on suicide watch until about September 10, 2018, and noted the reason as “odd behavior.”

26. Defendants’ medical charts fail to contain a treatment plan or criteria for release from suicide watch.

27. Defendants’ cell contained tie-off points and dangerous tools that enabled inmates housed in the cell to commit suicide.

28. Although he was suffering from suicidal impulses, Defendants placed Clay Mathis alone and unsupervised in a jail cell.

29. Defendants failed to take measures to keep Clay Mathis safe while they left him unsupervised in his jail cell.

30. On September 11, 2018, detention officers found Clay Mathis hanging in his jail cell with a bedsheet tied around his neck and to an available tie-off point.

31. Clay Mathis was pronounced dead on September 12, 2018.

### **CAUSES OF ACTION**

#### **Count One**

#### **(Wrongful Death - Medical Malpractice)**

32. Plaintiff re-alleges every allegation contained above.

33. Plaintiff brings this cause of action under A.R.S. § 12-561 and §12-611 et seq.

34. Plaintiff Jerral Phillip Mathis may bring a claim for wrongful death on behalf of his son, Clay Mathis. Defendants caused the death of Clay Mathis by their wrongful acts, neglect, or default or those of their employees, agents, or representatives.

36. As a direct and proximate result of Defendants' negligence, Clay Mathis suffered and died. As a direct and proximate result of Defendants' negligence, Plaintiff lost his son and suffered, among other things, mental anguish and emotional distress in an amount to be proven.

**(Wrongful Death - Independent Liability of Defendants)**

39. Defendants had a duty to use reasonable care in:

(b) promulgating policies, procedures, and practices within the Cochise County Jails to ensure that the acts and omissions, which caused Clay Mathis's death should not have occurred; and

40. Defendants in the above-described acts and omissions demonstrated a pattern of conduct that resulted in the deprivation of, among other things, medication and medical services necessary to maintain minimum physical or mental health.

41. As a direct and proximate result of Defendants' acts and omissions, Clay Mathis suffered excruciatingly severe mental anguish, emotional distress, and death. As a direct and proximate result of Defendants' acts and omissions alleged above, Plaintiff lost his son, and experienced mental anguish and emotional distress in an amount to be proven.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants:

- A. For general damages as provided by law as the statutory beneficiary of Clay Mathis;
- B. For general damages as provided by law for the pre-death pain and suffering experienced by Clay Mathis;
- C. For special damages, including but not limited to the expenses of burial and funeral;
- D. For taxable costs and pre- and post-judgment interest to the extent permitted by law;
- E. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of September 2019.

**ROBBINS & CURTIN, p.l.l.c.**

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